Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

Minutes October 2, 2009

A meeting of the Planning Commission of the City of Saint Paul was held Friday, October 2, 2009, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Mmes. Faricy, Lu, Morton, Porter, Thao, Wencl; and

Present: Messrs. Alton, Commers, Gordon, Johnson, Kramer, Margulies, Nelson,

Spaulding and Ward.

Commissioners

Absent:

Mmes. *Donnelly-Cohen, *Smitten, and Messrs. *Goodlow and*Schertler.

*Excused

Also Present: Donna Drummond, Planning Director; Patricia James, Penelope Simison, Jessica

Rosenfeld, Josh Williams, Sarah Zorn, Colleen O'Dell, and Sonja Butler,

Department of Planning and Economic Development staff.

I. Approval of minutes September 18, 2009.

<u>MOTION</u>: Commissioner Commers moved approval of the minutes of September 18, 2009. Commissioner Wencl seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Alton announced that on next week's City Council agenda is approval of the appointment of David Wickiser as the replacement for Commissioner Bellus.

III. Planning Director's Announcements

Donna Drummond reported that she gave a presentation to the HRA at its September 23rd meeting on the planning work program. This was similar to the presentation she gave to the Planning Commission about a month ago. PED director Cecile Bedor thought that it would be helpful for the City Council to get a better idea of all the things the planning staff and Planning Commission are working on. Ms. Drummond did the presentation at the HRA meeting because there is typically more time than at City Council meetings for these types of presentations. As part of the presentation, Ms. Bedor requested that Councilmembers communicate with her and Donna Drummond when there are new planning work program requests.

Ms. Drummond introduced Colleen O'Dell, who has joined the planning staff as a new intern from the Humphrey Institute at the University of Minnesota. Ms. O'Dell is a dual degree candidate for a master's degree in planning and landscape architecture. Welcome to Colleen.

IV. PUBLIC HEARING:

Chair Alton announced that the Saint Paul Planning Commission is holding a public hearing on the District 4 Plan Summary. Notice of the public hearing was published in the Legal Ledger on September 10, 2009, and was mailed to the citywide Early Notification System list and other interested parties.

Penelope Simison, PED staff, said the District 4 Dayton's Bluff Community Council prepared the plan update. As part of the plan preparation there was a survey of residents, printed in English, Spanish and Hmong, that was distributed throughout the community, as well as focus groups comprised of local businesses and Metropolitan State University. Ms. Simison said the summary includes strategies for which the City, including PED, Public Works, Parks and Recreation, DSI, and Police, would be responsible. The strategies are organized into five major areas of focus, including commercial and economic development; community life, public spaces and recreation; housing and residential life; neighborhood safety and livability; and, transportation, traffic, and parking.

Ms. Simison said the appendix to the staff report lists District 4's responses to questions posed by the Neighborhood Committee when it reviewed the summary prior to recommending a public hearing date.

Chair Alton read the rules of procedure for the public hearing.

The following people spoke.

1. Ms. Karen DuPaul, Community Organizer for Dayton's Bluff Community Council, said she hopes the plan summary is approved.

<u>MOTION</u>: Commissioner Wencl moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, October 6, 2009, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

V. Zoning Committee

Site Plan Review – List of current applications. (*Tom Beach*, 651/266-9086)

One item to come before the Site Plan Review Committee on Tuesday, October 6, 2009 – Community Dental Parking lot, 835 Hawthorn Avenue. To develop a vacant lot for parking.

NEW BUSINESS

#09-267-755 Howard and Phyllis Goserud – Establishment of legal nonconforming use for 8 dwelling units. 860 Albert Street North between Taylor and Hewitt. (Sarah Zorn, 651/266-6570)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the establishment of legal nonconforming use subject to additional conditions.

Commissioner Spaulding discussed the definition of rooming house in the zoning code and stated that he was unclear as to whether this is a rooming house rather than an apartment building, which then would apply different standards that are not considered in this application.

Sarah Zorn, PED staff said that staff looked at that issue and determined it was not a rooming house. The six units in the lower level do have a cooking facility (generally a microwave) and a bath-shower combination.

Commissioner Nelson stated that he has concerns with the building code issues. The bathrooms each have a toilet and shower but no lavatory, and the only sink is shared with the kitchen space. He also has concerns with the exits, and the width of the corridor. In addition, the parking doesn't appear to be paved, and the designated parking spaces don't meet the zoning code requirements.

He also questioned the uses in the large storage buildings on this parcel. He stated that in his opinion, this housing is not of a quality standard that the city should be encouraging. He stated that the building should be required to meet the building code requirements that were in place at the point in time the construction took place. Therefore, he is voting against this application.

Commissioner Ward expressed concern with the owners' claim of hardship. This is in clear violation of the building code. He questioned whether the tenant who works for Snelling Company and who takes care of and does all the maintenance and repairs on furnaces, water heaters, air conditioners and refrigerators is properly licensed and pulls the necessary permits. He stated he was opposed to allowing precedent to be set to allow tenants to work for owners of a building in exchange for rent, just to get around the permitting and a license insurer the city requires.

Commissioner Gordon noted that, included in the materials given to the Zoning Committee, was the plan from 1984 showing the six (6) small efficiencies in the basement, and the plan was approved by the city. The city issued a building permit and a general building permit is not issued without complying with the code. He also stated that using someone who is not properly licensed to do the repairs is a legitimate issue, but that is an enforcement issue, and doesn't go to whether or not it is appropriate to grant the legal nonconforming use. He also understands that you do have to have a Certificate of Occupancy for this type of facility. But if that is not the case, maybe staff should speak on this.

Commissioner Kramer noted that what precipitated this case coming to the Planning Commission was a Certificate of Occupancy inspection. The inspector told the owners to get a nonconforming use permit. There was no information on what the Certificate of Occupancy inspection told them to do other then apply for a nonconforming use permit.

MOTION TO AMEND: Commissioner Nelson moved to amend the main motion to add a condition that the approval is conditioned upon the applicant obtaining a Certificate of Occupancy for 8 dwelling units. Commissioner Spaulding seconded the motion. The motion carried unanimously on a voice vote.

The main motion carried on a 13-2 (Nelson, Spaulding) voice vote.

#09-203-521 MGM parking lot – Modification of a previously approved site plan. The approved site plan shows a privacy fence between the MGM parking lot and the public alley. The plan under consideration does not show this fence. (*Tom Beach*, 651/266-9086)

Commissioner Morton reported that the Zoning Committee laid this case over to the October 22, 2009 meeting.

Commissioner Morton announced the items on the agenda for the next Zoning Committee meeting on Thursday, October 8, 2009.

VI. Central Corridor Brownfield Assessment Project – Presentation by Josh Williams, PED staff. (*Josh Williams*, 651/266-6659)

Josh Williams, PED staff, gave a power point presentation on the Central Corridor Brownfield Assessment Project. Mr. Williams started out saying that last August he had submitted a grant application to the Environmental Protection Agency (EPA) and that application was successful and they are now in the process of getting that grant off the ground. Mr. Williams explained the application process and about the grant monies and how it will be used. He also said that they have some funds for community engagement and education on brownfield contamination, and that they are working with the Minnesota Department of Health on public health education. Mr. Williams also discussed project goals, upcoming schedule, site selection criteria, community partners and the universe of sites for possible assessment.

Commissioner Kramer asked about the process to select the sites.

Mr. Williams said that the plan is to start by opening up an application process, so that we have sites where we know there are current development proposals.

Commissioner Porter asked if they were seeking input from neighborhood organizations as well as from the partner organizations.

Mr. Williams said that the next step is to take a proposal for criteria to select sites to community partner organizations. He also explained that prior to applying for the grant, he had met with staff and/or board members for each of these organizations, and each of these organizations wrote a letter of support for our application and agreed to work with us.

Commissioner Ward noted that currently, if you drive up and down University, Braun Intertech is doing a lot of sub-surface investigation, starting on the west side of town and working their way downtown. Are they a part of this?

Mr. Williams explained that they were hired by the Central Corridor Project Office, and that the work being done by Braun Intertech is part of the Central Corridor LRT project. When Met Council got on board they were very clear in their letter of support that the funding for this work is completely separate.

VII. Comprehensive Planning Committee

Commissioner Wencl announced that the next meeting is on Tuesday, October 6, 2009. She noted that the meetings start time changed to 3:30 p.m.

VIII.	Neighborhood Planning Committee	
	Commissioner Wencl announced the items on the agenda for the next Neighborhood Committeemeeting on Wednesday, October 7, 2009.	e
IX.	Communications Committee	
	No report.	
X.	Task Force Reports	
	None.	
	Commissioner Commers announced that he went to a sneak preview for a program called Park for the People. This is going to be aired this week on public television. This program is the history of 150 years of the parks systems in Minneapolis and Saint Paul. This is a phenomenal one hour program that airs on Wednesday, 10/7/09 at 7:00 p.m. and again on Sunday, 10/11/09 6:00 p.m.	l
XI.	Old Business	
	None	
XII.	New Business	
	None	
XIII.	Adjournment	
	Meeting adjourned at 10:04 a.m.	
Sonja I Plannir	ded and prepared by Butler, Planning Commission Secretary ng and Economic Development Department, f Saint Paul	
Respec	ctfully submitted, Approved(Date)	_

Butler\planning commission\October 2, 2009

Donna Drummond Planning Director Marilyn Porter Secretary of the Planning Commission